

In re Application of:
Fernandez et al.
Application No.: 10/003,021
Filed: November 14, 2001
Page 7

PATENT
Atty. Docket No.: INVIT1140-3

II. REMARKS

Claims 41 to 66 are pending.

It is stated in the Office Communication that the claims are directed to two independent and patentably distinct inventions, which have been set forth as follows:

Group I: claims 41 to 58, directed to an isolated expression vector comprising SEQ ID NO:1; and

Group II: claims 59 to 66, directed to a nucleic acid expression library comprising a CACC nucleotide sequence.

It is requested that Applicants' elect one group of claims for examination. Although the Restriction Requirement is traversed for the reason set forth below, Applicants nevertheless elect the claims of Group I, claims 41 to 58, for examination.

The Restriction Requirement is traversed because a search performed with respect to one of the Groups would, of necessity, reveal art relevant to the other Group. More specifically, it is pointed out that SEQ ID NO:1 contains the nucleotide sequence CACC. As such, a thorough search of art relevant to the claims of Group II would, of necessity, reveal art relevant to the claims of Group I. As such, it is respectfully requested that the Restriction Requirement be reconsidered and withdrawn, and that claims 41 to 66 be rejoined and examined together.

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Filed: November 14, 2001
Page 8

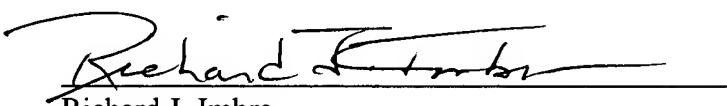
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It is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. Although no fee is deemed necessary in connection with the filing of this Response, the Commissioner is authorized to charge any fee that may be required, or to credit any overpayment, to Deposit Account No. 50-1355.

The Examiner is invited to contact Applicants' undersigned representative if there are any questions relating to this application.

Respectfully submitted,

Date: March 1, 2004


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